



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Head of Planning

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**Date:** 28<sup>th</sup> June 2016

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**Subject:** ENFORCEMENT REPORT

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**Author of Report:** Abby Wilson 0114 2037647

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### **Summary:**

Unauthorised change of use from residential (C3) to commercial Storage (B8) with provision of unauthorised shipping container.

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### **Reasons for Recommendations**

The change of use from C3 to B8 is not supported by the Unitary Development Plan, policy H10. The outbuildings are unauthorised by means of their use and the shipping container is not supported under UDP policy BE5 AND H14 AND Core Strategy CS74

### **Recommendations:**

That authority be given to the Director of Regeneration and Development Services or Head of Planning to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the shipping container and to cease the use of the land for the storage of builders materials and equipment.

The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

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### **Background Papers:**

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**Category of Report:** OPEN

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## ENFORCEMENT REPORT

### UNAUTHORISED CHANGE OF USE FROM RESIDENTIAL TO COMMERCIAL WITH PROVISION OF UNAUTHORISED SHIPPING CONTAINER.

#### 1. PURPOSE OF REPORT

- 1.1 To inform committee members of a breach of the Planning Regulations and to make recommendations on any further action required.

#### 2. BACKGROUND

- 2.1 The report relates to No.72 Roebuck Road. NO.72 is a large brick two storey dwelling house which is set above the highway. The main amenity space for this property is to the rear which is accessed to the side of the property as a driveway.

The street scene consists of both traditional terraced properties and large detached and semi-detached properties. The property is located within a wholly residential area, designated as Housing in the adopted Unitary Development Plan.

- 2.2 The site is used as a House in Multiple Occupation with approved plans to convert the basement into a separate flat. The conversion commenced some time ago but work has ceased on the conversion and it remains incomplete.
- 2.3 The garden has been subdivided to provide an enclosed area for the storage of builders materials and equipment at the rear of the property. The driveway at the side of the property leads to a hard surfaced area used for residents parking and offers some amenity space for the current tenants. This space is also surrounded by building materials and equipment plus a large shed, used for non-residential storage. To the rear of the garden space lies the enclosed area which has been fenced off with a locked gate to restrict access, including restricting access to the residents of the property.
- 2.4 There is an old wooden shed within this enclosed area and a shipping container that was added in 2015. Both the container and shed are used to store building materials and equipment for the owners construction business. Materials are also stored in the open on this area of land.

- 2.5 It may be claimed that some of the materials are in conjunction with the development of the basement, however by the owners own admission, the majority is storage is for his construction work.

A Planning Contravention Notice (PCN) was served but was not returned, the owner however did meet on site with Officers to discuss the issues raised. He agreed to begin tidying up the site and to remove items and not to bring any new items for storage to the yard. A follow up visit was to be arranged after several months to enable officers to view progress.

- 2.6 A skip arrived on site and some materials have been cleared however a significant amount of construction material remains on both the land open to residents and within the enclosed area at the rear, including the unauthorised shipping container and sheds. No work appears to have been carried out at the basement, which too is filled with similar building materials and equipment.
- 2.7 The land can be viewed from the rear of several adjoining properties and visits throughout the day are made by builders to access equipment and materials.
- 2.8 Several attempts have been made to rearrange a follow up visit but the owner has failed to respond.

### 3 ASSESSMENT OF BREACH OF CONTROL

- 3.1 There has been an unauthorised change of use from residential, Use Class C3, to Use Class B8, storage and distribution. The outbuildings do not benefit from permitted development rights as they are not incidental to the enjoyment of the dwellinghouse.
- 3.2 The change of use is detrimental to the visual amenities of neighbouring properties, the storage of materials is unsightly and not in keeping with the residential nature of the area, as is the shipping container that is large and industrial in appearance. The tenants at 72 Roebuck Road have restricted amenity space due to the storage, limiting usable land to the area designated for car parking.
- 3.3 The use also involves frequent visits to the site by trades people to access materials and tools. This is disruptive to tenants and to neighbouring properties on what is a narrow side road.
- 3.4 The changes are not supported within the Unitary Development Plan, policies BE5 and H10, H14 AND Core Strategy CS74.
- 3.5 Should the B8 Use cease, the timber outhouses would benefit from permitted development rights, becoming incidental to the enjoyment of the dwellinghouse. The storage container/ shipping container however would remain unauthorised. UDP policy BE5 states good design and materials should be expected in new buildings. The container does not meet these

requirements and would not be viewed favourably. BE5 also states that temporary buildings will only be permitted where they are required to meet short term operational needs and would not be in prominent locations or conservation areas. Similarly, policy CS74 of the Core Strategy further reiterates the need for high quality designs and strengthens the Local Planning Authority's position regarding the preservation of Sheffield's built heritage.

3.6 UDP policy for land use in housing areas states that development will depend on the effects on people living there. The overriding concern of policies within Housing Areas is creating or preserving a good quality environment for present and future residents. It is felt that the change of use is detrimental to the amenities of local residents.

3.7 Class use B8 is not supported within UDP Policy H10, Development in Housing Areas. The preferred use is class use C3 residential housing, warehouses and open storage (B8) are an unacceptable land use.

#### 4. REPRESENTATIONS.

4.1 There has been one written complaint regarding the appearance of the site and the nuisance caused by tradesmen visiting during the day to collect and deposit materials stored on the site.

#### 5. ASSESSMENT OF ENFORCEMENT OPTIONS

5.2 Section 172 of the Act provides for the service of an enforcement notice (EN). In this case such a notice would require the removal of the storage container and building materials not used in connection to the conversion of the basement and to open the fenced area and outbuildings for use incidental to the dwellinghouse. There is a right to appeal to the Planning Inspectorate, against the service of an Enforcement Notice. However, it is considered that the Council would be able to successfully defend any such appeal.

#### 6 EQUAL OPPORTUNITIES

6.1 There are no equal opportunity issues arising from the recommendations in this report.

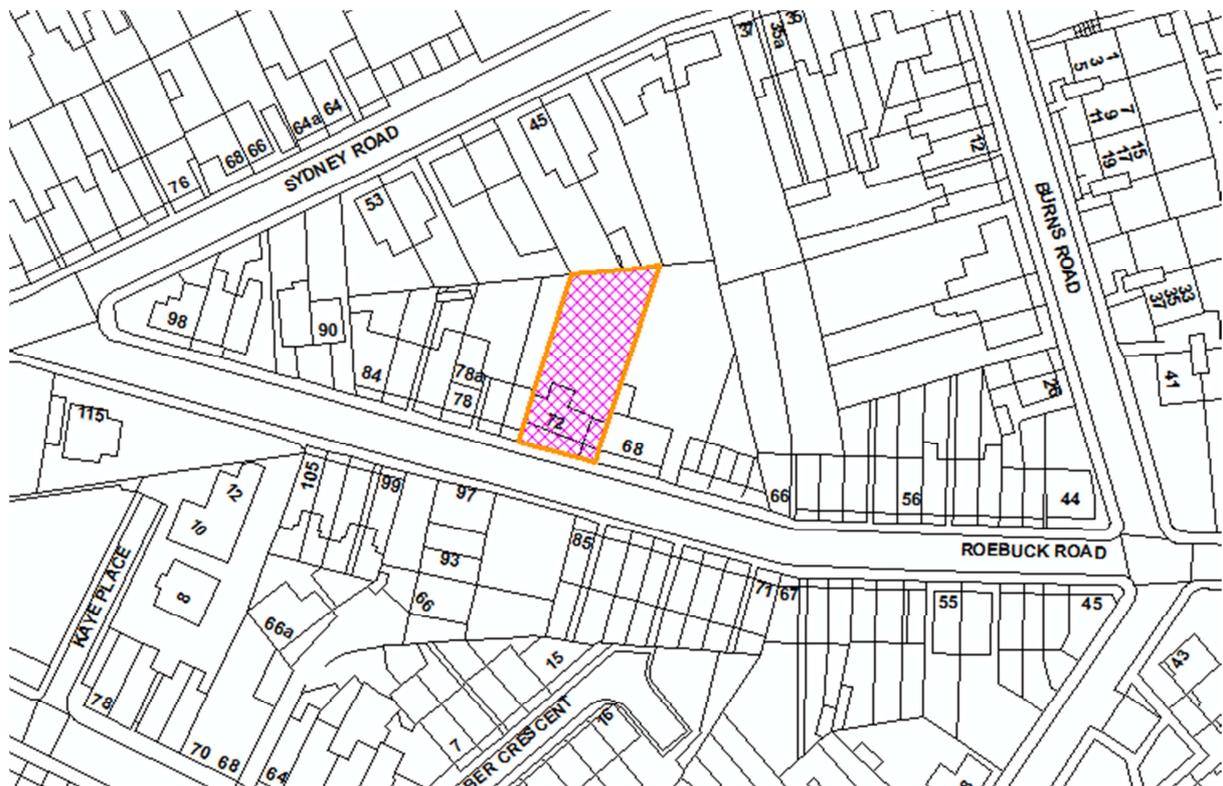
#### 7 FINANCIAL IMPLICATIONS

7.1 There are no additional financial implications expected as a result of this report. If an appeal is made against the enforcement notice, costs can be awarded against the Council if it is shown that they have behaved "unreasonably" in the appeal process, it is uncommon that this will happen. However, in the unlikely event compensation is paid, it would be met from the planning revenue budget.

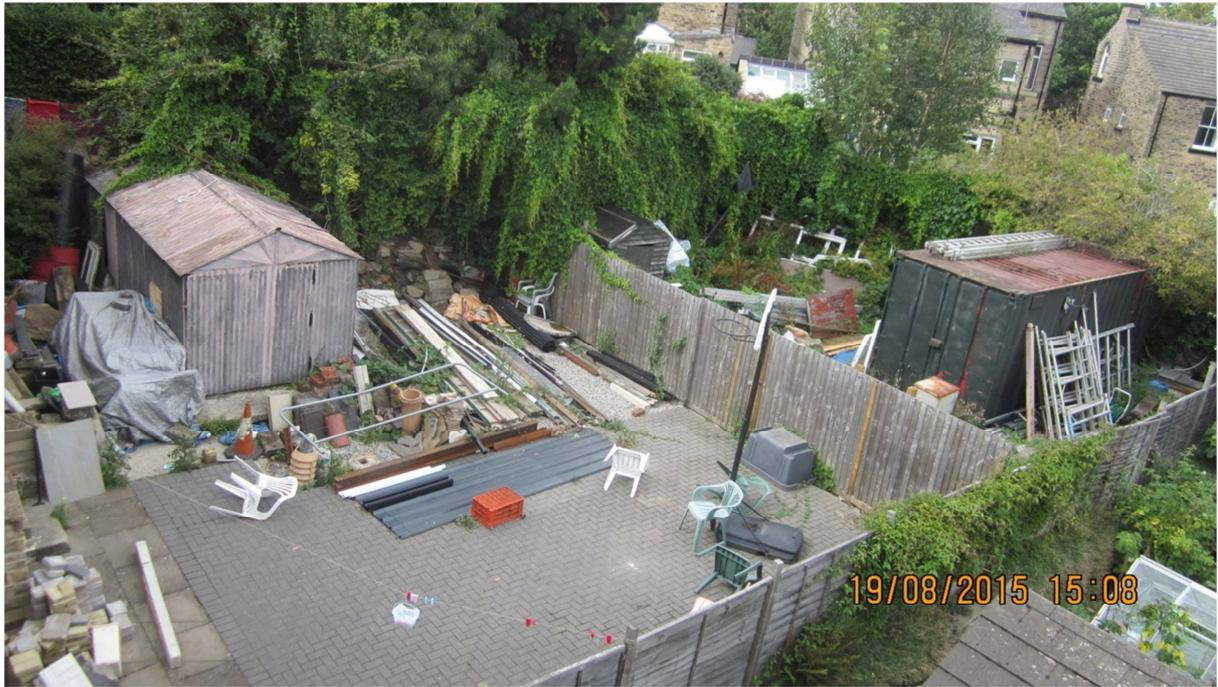
## 8.0 RECOMMENDATIONS

- 8.1 That the Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the storage container and cease using the land for the storage of building materials.
- 8.2 The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Site Plan



August 2015 Rear garden



Enclosed Area May 2016





Within site accessible to residents



Driveway at side of property.

